

## **REMARKS**

Claims 1-7, 9-11, 13-19 and 21-22 are now pending in the application. Of the pending claims, claims 3-6 and 13-16 have been withdrawn from consideration. No new matter has been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claim 21 is rejected under 35 U.S.C. § 102(b) as being anticipated by Barth (U.S. Patent No. 4,955,744).

Applicants note that claim 21 has been amended to recite “wherein the blade engaging means and the clamping means include keyed means for engaging.”

Barth does not teach or suggest Applicants’ invention, as Barth neither employs nor suggests blade engaging means and clamping means which include keyed means for engaging. Instead, Barth disclose a flange 16, which engages one side of the tool 15, and a flange 32, which engages the other side of tool 15, neither flange includes a keyed surface. Furthermore, there is no disclosure in Barth that clamping nut 17 includes a keyed surface.

In view of the above remarks, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 21. Since claim 22 depends from claim 21, for the same reasons applicable to claim 21, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 22.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 11, 17, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Barth (U.S. Pat. No. 4,955,744) in view of Kanaan et al (U.S. Patent No. 5,947,671). This rejection is respectfully traversed.

The establishment of a *prima facie* case of obviousness requires that three basic criteria be met: 1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings, 2) that there must be a reasonable expectation of success, and 3) that the prior art reference or references must teach or suggest all the claim limitations. *See, e.g., In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

Regarding the requirement for teaching or suggesting all claim elements, Applicants note that claim 11 has been amended to include a lever extendable from a first position to a second position from the clamp assembly for increasing the amount of torque to the clamp assembly wherein the lever is positioned on the clamp assembly axis of rotation. Claim 11 now recites “wherein the clamp assembly has a rotational axis and wherein the blade clamp assembly further comprises a lever extendable from the clamp assembly for increasing the amount of torque to the clamp assembly, the lever positioned on the rotational axis and movable from a first position to a second position where the lever extends outwardly from the clamp assembly in the second position.”

The combination of Barth and Kanaan does not teach or suggest Applicants’ invention, as neither Barth or Kanaan employs or suggests a clamp assembly including a lever, positioned on the clamp rotational axis, extendable from the clamp assembly for increasing the amount of torque to the clamp assembly. As the Examiner indicated in the Office Action, Barth does not

disclose, teach, or suggest an extendable lever. In regards to Kanaan, although Kanaan does teach the use of handles 34, Kanaan does not teach, suggest, or disclose a lever positioned on the clamp rotational axis. In fact, Kanaan teaches away from having handles 34 on rotational axis 44, as the clamping device 10 of Kanaan has a toroidal design that includes a central through bore 40 which threadingly receives drive spindle 12. As a result, handles 34 must be placed in a spaced or offset manner from the rotational axis 44 of clamping device 10.

For at least the reasons set forth above, Applicants submit that the Examiner has not presented a *prima facie* case of obviousness.

In view of the above remarks, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 11. Since claims 17-19 depend from claim 11, for the same reasons applicable to claim 11, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 17-19.

#### **ALLOWED SUBJECT MATTER**

Applicants appreciate the Examiner's indication that claims 1, 2, 7, 9, and 10 have been allowed.


#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this

amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (410 716-2886.

Respectfully submitted,

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